

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Janet Scharf and
Jonathan Scharf

(b) County of Residence of First Listed Plaintiff Chester County, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Eric M. Frost, Esquire
Villari, Brandes & Giannone, PC
161 Washington Street, Suite 400
Conshohocken, PA 19428

DEFENDANTS

Marriott Vacations Worldwide Corporation d/b/a Marriot Vacation
Club and Marriott International, Inc.

County of Residence of First Listed Defendant Orange County, FL
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Robert W. Stanko, Esquire
Marshall Dennehey Warner Coleman & Goggin
2000 Market Street, Suite 2300, Philadelphia, PA 19103

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	X 1	1	Incorporated or Principal Place of Business In This State	4	4
Citizen of Another State	2	2	Incorporated and Principal Place of Business In Another State	5	X 5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act (Excludes Veterans) <input type="checkbox"/> 152 Recovery of Defaulted Student Loans <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. §1332, 1441, 1446.

Brief description of cause:

Plaintiff alleges various permanent personal injuries as a result of an alleged trip and fall at a hotel in Aruba.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 11/14/17 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA – DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff 86 St. Andrews Road, Glenmoore, PA 19343

Address of Defendant 6649 Westwood Blvd., Orlando, FL 32821/10400 Fernwood Road, Bethesda, MD 20817

Place of Accident, Incident or Transaction
Aruba

(Use Reverse Side for Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☒ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____

Judge _____

Date Terminated _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier number case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify) Premises Liability
7. ☐ Products Liability
8. ☐ Products Liability – Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE _____


Attorney-at-Law

Attorney I.D. # _____

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE 11/14/17


Attorney-at-Law

PA #208830
Attorney I.D. #

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA – DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff 86 St. Andrews Road, Glenmoore, PA 19343

Address of Defendant 6649 Westwood Blvd., Orlando, FL 32821/10400 Fernwood Road, Bethesda, MD 20817

Place of Accident, Incident or Transaction
Aruba

(Use Reverse Side for Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☒ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____

Judge _____

Date Terminated _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier number case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

B. Diversity Jurisdiction Cases

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify) Premises Liability
7. ☐ Products Liability
8. ☐ Products Liability – Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE _____

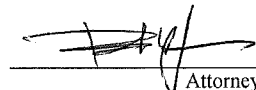
Attorney-at-Law

Attorney I.D. # _____

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE 11/14/17



Attorney-at-Law

PA #208830

Attorney I.D. # _____

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

JANET SCHARF and : CIVIL ACTION
JONATHAN SCHARF :
v. :
MARRIOTT VACATIONS :
CORPORATION d/b/a MARRIOT : NO.
VACATION CLUB and
MARRIOTT INTERNATIONAL, INC.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus-Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security-Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration-Cases require to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos-Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management-Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management--Cases that do not fall into any one of the other tracks. (X)

November , 2017

Date

Attorney-at-law

Defendants

Attorney for

215-575-2807

Telephone

215-575-0856

FAX Number

rwstanko@mdwcg.com

E-Mail Address

**Civil Justice Expense and Delay Reduction Plan
Section 1:03 - Assignment to a Management Track**

- (a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.
- (b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management of Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.
- (c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.
- (d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.
- (e) Nothing in this Plan is intended to supersede Local Civil Rules 3 or 7, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See § 1.02(e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)**

Special management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions of potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANET SCHARF and	:	CIVIL ACTION - LAW
JONATHAN SCHARF	:	
	:	
v.	:	
	:	NO.
MARRIOTT VACATIONS	:	
WORLDWIDE CORPORATION d/b/a	:	
MARRIOTT VACATION CLUB and	:	
MARRIOTT INTERNATIONAL, INC.	:	<u>JURY TRIAL DEMANDED</u>

NOTICE OF REMOVAL

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA:**

Defendants, Marriott Vacations Worldwide Corporation d/b/a Marriot Vacation Club and Marriott International, Inc., by and through their counsel, Marshall Dennehey Warner Coleman & Goggin, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, file this Notice of Removal of a certain action pending in the Philadelphia County Court of Common Pleas, (hereinafter "State Court"), and in support thereof state as follows:

1. Defendants, Marriott Vacations Worldwide Corporation d/b/a Marriot Vacation Club and Marriott International, Inc., are named as defendants in the action entitled *Janet Scharf and Jonathan Scharf v. Marriott International, Inc., et al*, pending in State Court. A true and correct copy of Plaintiffs' Civil Action Complaint is attached hereto as Exhibit "A."

2. A copy of the Complaint was served on Defendant, Marriott Vacations Worldwide Corporation d/b/a Marriot Vacation Club, on October 16, 2017. A true and accurate copy of Plaintiffs' Affidavit of Service on Defendant, Marriott Vacations Worldwide Corporation d/b/a Marriot Vacation Club, is attached hereto as Exhibit "B."

3. A copy of the Complaint was sent to Defendant, Marriott International, Inc., on October 9, 2017. A true and accurate copy of Plaintiffs' Affidavit of Service on Defendant, Marriott Vacations International, Inc. is attached hereto as Exhibit "C."¹

4. In accordance with 28 U.S.C. §1446(a), the foregoing papers are, upon information and belief, the only documents filed in the State Court. Docket entries from the State Court are attached hereto as Exhibit "D."

5. In accordance with 28 U.S.C. §1446(b), this Notice of Removal is timely.

Diversity Jurisdiction Exists

6. Defendants desire to remove this action to this Court and submit this Notice along with the exhibits, in accordance with 28 U.S.C. §§1332, 1441, and 1446.

¹ Plaintiffs have not effected proper service on Defendant, Marriott International, Inc., much less on the date they purport to have done so. Plaintiffs' Affidavit of Service upon Marriott International, Inc. purports to establish service on October 9, 2017, but this is improper. For instance, Plaintiffs' Affidavit indicates that the Complaint was sent by both Certified and First Class Mail on October 9, 2017, and that service of the Certified Complaint was refused on October 17, 18, and 20, 2017. Service cannot have been perfected on October 9, 2017, the date of the initial certified mailing.

Pursuant to Pa.R.C.P. 403(1), Service by Mail, service by ordinary mail may not be attempted until *after* service is refused/not perfected by certified mail. Indeed, Pa.R.C.P. 405(c), relating to Return of Service, requires that "[p]roof of service by mail under Rule 403 shall include a return receipt signed by the defendant or, if the defendant has refused to accept mail service and the plaintiff *thereafter* has served the defendant by ordinary mail," then both the returned letter and an affidavit with regard to the later letter sent via regular mail must be submitted to the Court. Emphasis added. Service via ordinary mail must be made after a certified copy is refused; service is not perfected if a document is sent via ordinary mail concurrently with the certified copy. The time period for service cannot, therefore, begin to run until after a certified mailing is refused and *then* a copy is sent via ordinary mail.

Simply put, service is not effected on the date of the first class mailing. Rather, service is not complete until fifteen days after the date that ordinary mail was sent. *See City of Phila. Water Revenue Bureau v. Towanda Props., Inc.*, 976 A.2d 1244, 1252 (Pa. Cmwlth. 2009) (finding that service was not complete until fifteen days after the date that ordinary mail was sent, thereby calculating the time period for a default judgment from the completion of service, fifteen days after mailing).

In any event, to the extent this Court deems Marriott International, Inc. has having been properly served, Marriott International consents to removal. *See* 28 U.S.C. §1446(b)(2)(C).

7. The State Court Action satisfies the diversity jurisdiction requirements of 28 U.S.C. §1332(a) because it is between citizens of different states and the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

8. Plaintiffs Janet and Jonathan Scharf are citizens and residents of the United States of America and the Commonwealth of Pennsylvania, and are domiciled in Pennsylvania, currently residing at 86 St. Andrews Road, Glenmoore, PA 19343. *See* Ex. A.

9. On the date of the alleged incident and continuing to the present time, Marriott Vacations Worldwide Corporation d/b/a Marriot Vacation Club was a Delaware corporation with its principal place of business located at 6649 Westwood Blvd., Orlando, FL 32821.

10. On the date of the alleged incident and continuing to the present time, Marriott International, Inc. was a Delaware corporation with its principal place of business located at 10400 Fernwood Road, Bethesda, MD 20817.

11. Diversity of citizenship exists between Plaintiffs, who are citizens and residents of the Pennsylvania, and Defendants, corporations formed under the laws of the Delaware with principal places of business in Maryland and Florida, respectively.

12. The amount in controversy, exclusive of interest and costs, exceeds \$75,000.00. Plaintiffs' Complaint seeks damages exceeding the arbitration limits of the State Court, which are set at \$50,000.00. Plaintiffs' claims are for damages due to alleged personal injuries as set forth in their Complaint. For instance, Plaintiffs allege that Plaintiff Janet Scharf "sustained significant injuries, permanent loss of a bodily functions(s) and/or permanent disfigurement(s) in and about her body and extremities, including, but not limited to: injuries to her right knee and left knee and a nondisplaced vertical fracture of her lateral patellar region of her right knee; aggravation of possible preexisting conditions to those areas of her body which were otherwise system free and non-disabling; a severe shock to her nerves and nervous system; and anxiety and

mental and emotional distress." Ex. A, at ¶15. Plaintiff Jonathan Scharf has asserted a claim for loss of consortium. *See* Ex. A, at Count II.

13. Counsel for Defendants requested that Plaintiffs stipulate to cap damages at \$75,000.00, but Plaintiffs have not responded.

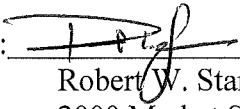
14. In the light of the foregoing, the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00. *See Nelson v. Keefer*, 451 F.2d 289, 294 (3d Cir. 1971) (discussing the "well-known fact of courtroom life that in personal injuries litigation the intangible factor of 'pain, suffering, and inconvenience' constitutes the largest single item of recovery, exceeding by far the out-of-pocket 'specials' of medical expenses and loss of wages"); *Russo v. Wal-Mart Stores East, L.P.*, No. 3:17-cv-454, 2017 WL 1832341, at *2 (M.D. Pa. May 8, 2017) ("[I]n the context of a personal injury lawsuit between diverse parties, severe injuries along with pain and suffering will alert [the] defendant that an amount in excess of [the jurisdictional amount] is at issue . . ." (internal quotation marks and citation omitted); *Sims v. PerkinElmer Instruments, LLC*, No. 04-cv-3773, 2005 WL 746884, at *3 (E.D. Pa. Mar. 31, 2005) (same).

15. In accordance with 28 U.S.C. §1441(a), the Removing Defendants removed the State Court Action to this Court because the State Court Action was previously pending in the Court of Common Pleas of Philadelphia County, Pennsylvania.

16. Written notice of the filing of this Notice of Removal will be provided to Plaintiffs, and a copy of this Notice of Removal and supporting papers will be filed with the Clerk of the State Court, as provided by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants pray that the above described action pending against them in the State Court be removed to this Court.

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**

By: 
Robert W. Stanko, Esquire
2000 Market Street
Philadelphia, PA 19103
215-575-2600
Attorney for Defendants,
Marriott Vacations Worldwide Corporation
d/b/a Marriot Vacation Club and
Marriott International, Inc.

Dated: 11/14/17

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF PHILADELPHIA :

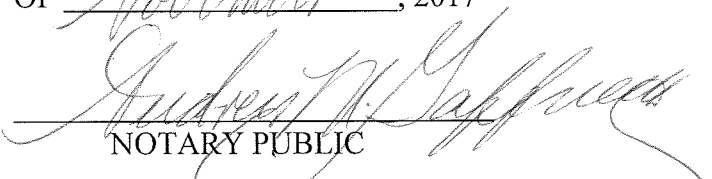
AFFIDAVIT

ROBERT W. STANKO, ESQUIRE, being duly sworn according to law deposes and states that the facts set forth in the foregoing Notice of Removal are true and correct to the best of his knowledge, information and belief.

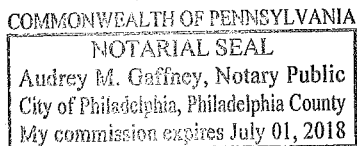


ROBERT W. STANKO, ESQUIRE

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 14th DAY
OF November, 2017



NOTARY PUBLIC



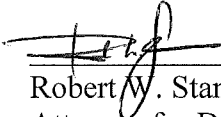
CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Notice of Removal was sent by First Class mail, postage prepaid, to the following counsel of record:

Eric M. Frost, Esquire
Villari, Brandes & Giannone, PC
161 Washington Street, Suite 400
Conshohocken, PA 19428

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**

BY: _____


Robert W. Stanko, Esquire
Attorney for Defendants,
Marriott Vacations Worldwide Corporation
d/b/a Marriot Vacation Club and
Marriott International, Inc.

Dated: 11/14/17

EXHIBIT "A"

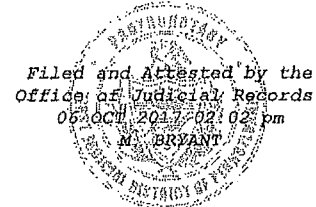
Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

		For Prothonotary Use Only (Docket Number)	
		OCTOBER 2017 E-filing Number: 1710015859 000796	
PLAINTIFF'S NAME JANET SCHARF		DEFENDANT'S NAME MARRIOTT VACATIONS WORLDWIDE CORPORATION, ALIAS: D/B/A MARRIOTT VACATION CLUB	
PLAINTIFF'S ADDRESS 86 ST. ANDREWS ROAD GLENMOORE PA 19343		DEFENDANT'S ADDRESS 6649 WESTWOOD BLVD. ORLANDO FL 32821	
PLAINTIFF'S NAME JONATHAN SCHARF		DEFENDANT'S NAME MARRIOTT INTERNATIONAL, INC.	
PLAINTIFF'S ADDRESS 86 ST. ANDREWS ROAD GLENMOORE PA 19343		DEFENDANT'S ADDRESS DEPARTMENT 52/862 10400 FERNWOOD ROAD BETHESDA MD 20817	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NUMBER OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 2S - PREMISES LIABILITY, SLIP/FALL			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
		FILED PROTHONOTARY OCT 06 2017 M. BRYANT	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>JANET SCHARF , JONATHAN SCHARF</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY ERIC M. FROST		ADDRESS VILLARI, BRANDES & GIANNONE PC 161 WASHINGTON STREET SUITE 400 CONSHOHOCKEN PA 19428	
PHONE NUMBER (610) 729-2900	FAX NUMBER (610) 729-2910		
SUPREME COURT IDENTIFICATION NO. 208785		E-MAIL ADDRESS efrost@villarilaw.com	
SIGNATURE OF FILING ATTORNEY OR PARTY ERIC FROST		DATE SUBMITTED Friday, October 06, 2017, 02:02 pm	

FINAL COPY (Approved by the Prothonotary Clerk)

VILLARI, BRANDES & GIANNONE, P.C.

Peter M. Villari, Esquire
 Eric M. Frost, Esquire
 Brian A. Rice, Esquire
 Attorney I.D. No. 26875;208785 & 322654
 Eight Tower Bridge
 161 Washington Street, Suite 400
 Conshohocken, PA 19428
 610-729-2900
efrost@villarilaw.com
brice@villarilaw.com
ATTORNEYS FOR PLAINTIFFS



IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PA
CIVIL ACTION – PREMISES LIABILITY ACTION

JANET SCHARF and
 JONATHAN SCHARF
 Wife and husband
 86 St. Andrews Road
 Glenmoore, PA 19343
Plaintiffs,

CIVIL ACTION - LAW

-VS-

MARRIOTT VACATIONS WORLDWIDE
 CORPORATION D/B/A MARRIOTT
 VACATION CLUB
 6649 Westwood Blvd
 Orlando, FL 32821

and

MARRIOTT INTERNATIONAL, INC.
 Dept. 52/862
 10400 Fernwood Road
 Bethesda, MD 20817

Defendants.

CASE NO. _____

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court

without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
One Reading Center
Philadelphia, Pennsylvania 19107
Telephone: 215-238-1701
TTY: 215-451-6197

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falt asentar una comparecencia escrita o en persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELFIA
SERVICIO DE REFERENCIA E INFORMACION LEGAL
One Reading Center
Filadelfia, Pennsylvania 19107
Telefono: 215-238-1702
TTY: 215-451-6197

VILLARI, BRANDES & GIANNONE, P.C.

Peter M. Villari, Esquire
 Eric M. Frost, Esquire
 Brian A. Rice, Esquire
 Attorney I.D. No. 26875;208785 & 322654
 Eight Tower Bridge
 161 Washington Street, Suite 400
 Conshohocken, PA 19428
 610-729-2900
efrost@villarilaw.com
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 ATTORNEYS FOR PLAINTIFFS

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PA
CIVIL ACTION – PREMISES LIABILITY ACTION

JANET SCHARF and
 JONATHAN SCHARF
 Wife and husband
 86 St. Andrews Road
 Glenmoore, PA 19343
Plaintiffs,

CIVIL ACTION - LAW

-vs-

MARRIOTT VACATIONS WORLDWIDE :
 CORPORATION D/B/A MARRIOT :
 VACATION CLUB :
 6649 Westwood Blvd :
 Orlando, FL 32821 :

and

MARRIOTT INTERNATIONAL, INC. :
 Dept. 52/862 :
 10400 Fernwood Road :
 Bethesda, MD 20817 :
Defendants.

CASE NO. _____

COMPLAINT

Plaintiffs, Janet Scharf and Jonathan Scharf, wife and husband, by and through their undersigned attorneys, Villari, Brandes & Giannone, P.C., file this Complaint against the above-named Defendants and in support thereof states as follows:

1. Plaintiff, Janet Scharf, is an adult individual residing at the above referenced address.
2. Plaintiff, Jonathan Scharf, is an adult individual residing at the above referenced address.
3. At all times material hereto, Plaintiff, Janet Scharf was lawfully married to Plaintiff, Jonathan Scharf.
4. Defendant, Marriott Vacations Worldwide Corporation, d/b/a Marriott Vacation Club, (hereinafter, "Marriott Vacations"), is Delaware Corporation with its principle place of business at the above referenced address.
5. Defendant, Marriott International, Inc. (hereinafter "Marriott International"), is a Delaware Corporation with its principle place of business at the above referenced address.
6. At all times material hereto, defendant, Marriott Vacations and/or Defendant Marriott International (hereinafter collectively referred to as the "Marriott Defendants"), individually and/or collectively owned, occupied, operated, managed, maintained, controlled and/or possessed the properties located at Compass Tower, L.G. Smith Blvd. 103, Palm Beach, Aruba and L.G. Smith Blvd. 99, Palm Beach, Aruba and their parking lots and walkways.
7. Upon information and belief, these locations are referred to as Marriott's Aruba Surf Club and/or Marriott's Aruba Ocean Club.
8. Upon information and belief, the Marriott Defendants, individually and/or collectively regularly conduct a substantial amount of its business within Philadelphia County, Pennsylvania,

owning, managing, controlling and/or operating numerous hotels within Philadelphia County, Pennsylvania.

9. At all times material hereto, the Marriott Defendants individually and/or collectively, owned, operated, managed, maintained, controlled and/or possessed the real property that is located at Marriott's Aruba Surf Club and/or the Marriot's Aruba Ocean club, and specifically the sidewalk at said property depicted in Exhibit "A" (hereinafter referred to as the "premises" and/or the "subject property").

10. On January 16, 2016, Plaintiff, Janet Scharf, at approximately 9:30 p.m. was walking on the sidewalk along the subject property and approached the area of the sidewalk/walkway that is depicted in Exhibit "A".

11. At the aforementioned time and place, Plaintiff, Janet Scharf encountered the dangerous, defective, hidden, and/or otherwise unsafe condition of the aforementioned portion of the walkway/curb along the subject property and approached the area of the sidewalk that is depicted in Exhibit "A" and caused her to fall.

12. At all times material hereto, the portion of the walkway/curb that contained the dangerous, defective, hidden, and/or otherwise unsafe condition that caused Plaintiff, Janet Scharf, to fall and become severely injured, was concealed by the color of the bricks located on the walkway, the design of the walkway and/or the lack of lighting at and/or near the aforementioned area.

13. At all times material hereto, Defendants knew and/or should have known of the presence/existence of the defective, dangerous, hidden and/or otherwise unsafe condition located at the subject property that caused Plaintiff, Janet Scharf, to fall.

14. At all times relevant hereto, Plaintiff, Janet Scharf proceeded under due care and with

caution, properly and legally, and was not contributorily negligent in any manner whatsoever; nor did Plaintiff, Janet Scharf assume the risk of Defendants' failure to keep the subject property safe, clear and/or free of defective, dangerous, hidden and/or otherwise unsafe conditions, specifically the condition that caused Ms. Scharf to fall and suffer significant injuries, permanent loss of a bodily function(s) and/or permanent disfigurement(s).

15. As a direct and proximate result of the aforesaid incident, Plaintiff, Janet Scharf sustained significant injuries, permanent loss of a bodily function(s) and/or permanent disfigurement(s) in and about her body and extremities, including, but not limited to: injuries to her right knee and left knee and a nondisplaced vertical fracture of her lateral patellar region of her right knee; aggravation of possible preexisting conditions to those areas of her body which were otherwise symptom free and non-disabling; a severe shock to her nerves and nervous system; and anxiety and mental and emotional distress, by reason of which she has been made to experience great physical pain and mental anguish, as a result of which she has and will continue to experience pain and suffering, loss of enjoyment of life's pleasures, embarrassment and/or disfigurement.

16. As a further result of the aforesaid incident, Plaintiff, Janet Scharf, has been obliged to incur expenses for medicines, ambulatory equipment and/or medical attention in trying to treat and cure said injuries, and may be compelled to expend and/or incur additional sums for the same purposes for an indefinite time in the future.

17. As a further result of the aforesaid incident, Plaintiff, Janet Scharf, has been prevented from attending to her usual and daily pursuits, hobbies, duties and/or avocations, thereby suffering a loss of earnings and/or impairment of her earning capacity and/or loss of life's pleasures which will continue for an indefinite time in the future.

18. As a further result of the aforesaid incident, Plaintiff, Janet Scharf, has suffered and/or

may continue to suffer a severe loss because of expenses which have been or may be reasonably incurred in obtaining ordinary and necessary services in lieu of those which Plaintiff would have performed, not for income, but for the benefit of herself if she had not been injured.

COUNT I - NEGLIGENCE
Plaintiff, Janet Scharf v. All Defendants

19. Plaintiff incorporates by reference the allegations in the preceding paragraphs as fully as though each were set forth at length herein.

20. At all times material hereto, Defendants' acts and/or omissions were accomplished by Defendants themselves and/or by Defendants' agents, workers, representatives, independent contractors and/or employees who were then and there acting and/or failing to act within the scope and course of their agency and/or employment.

21. At all times material hereto, Defendants, individually, jointly and/or severally, controlled, managed, supervised and/or maintained the subject property and the portion of the sidewalk that contained the dangerous, defective, hidden, and/or otherwise unsafe condition that caused Plaintiff to fall.

22. The aforesaid incident was caused by Defendants' negligence as follows:

- (a) Failing to properly control the subject property and the portion of the walkway/sidewalk/curb that contained the dangerous, defective, hidden, and/or otherwise unsafe condition that caused Plaintiff, Janet Scharf, to fall and become severely injured;
- (b) Failing to properly manage the subject property and the portion of the walkway/sidewalk/curb that contained the dangerous, defective, hidden, and/or otherwise unsafe condition that caused Plaintiff, Janet Scharf, to fall and become severely injured;
- (c) Failing to properly supervise the subject property and the portion of the walkway/sidewalk/curb that contained the dangerous, defective, hidden,

and/or otherwise unsafe condition that caused Plaintiff, Janet Scharf, to fall and become severely injured;

- (d) Failing to properly inspect the subject property and the portion of the walkway/sidewalk/curb that contained the dangerous, defective, hidden, and/or otherwise unsafe condition that caused Plaintiff, Janet Scharf, to fall and become severely injured;
- (e) Failing to timely and/or properly correct, remediate, repair and/or fix the aforementioned dangerous, defective, hidden, and/or otherwise unsafe condition that caused Plaintiff, Janet Scharf, to fall and become severely injured;
- (f) Failing to properly guard/barricade the aforementioned dangerous, defective, hidden, and/or otherwise unsafe condition that caused Plaintiff, Janet Scharf, to fall and become severely injured;
- (g) Failing to take precautionary measures to minimize the risk of harm to individuals such as Plaintiff, Janet Scharf;
- (h) Failing to place appropriate warnings and/or barricades;
- (i) Failing to install proper lighting in and/or around the walkway/sidewalk/curb area to illuminate the dangerous condition that caused Plaintiff, Janet Scharf to fall and become severely injured; and
- (j) Failing to give Plaintiff the proper and adequate notice and/or protection to which she was entitled.

23. As a result of Defendants' aforesaid negligence and carelessness, Plaintiff sustained the injuries and incurred the damages set forth above.

WHEREFORE, Plaintiff respectfully demands compensatory damages in excess of \$50,000.00 to be awarded in her favor and against Defendants, individually, jointly and/or severally, together with interest, costs and such other relief as this court deems just.

COUNT TWO - LOSS OF CONSORTIUM
Plaintiff, Jonathan Scharf vs. All Defendants

24. Plaintiffs incorporate by reference each and every preceding paragraph of the Complaint as if same were set forth fully at length herein.

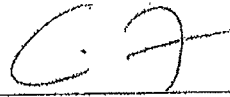
25. At all times material hereto, Plaintiff, Jonathan Scharf, was and is the husband of Plaintiff, Janet Scharf, and was therefore entitled to her support, society, services, advice, counsel, guidance, companionship and consortium.

26. As a direct and proximate result of the injuries and damages suffered by Plaintiff, Janet Scharf, Plaintiff, Jonathan Scharf has been deprived of the support, society, services, advice, counsel, guidance, companionship and consortium of his wife, all to his detriment and loss.

WHEREFORE, Plaintiff, Jonathan Scharf demands judgment against Defendant, individually, and/or jointly and/or severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars for compensatory damages, together with interest, costs and any other relief this Court deems to be just under the circumstances.

VILLARI, BRANDES & GIANNONE, P.C.

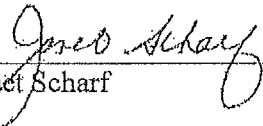
DATED: 10/6/17

BY: 
Peter M. Villari, Esquire
Eric M. Frost, Esquire
Brian A. Rice, Esquire
Attorneys for Plaintiffs

VERIFICATION

Janet Scharf hereby states that she is the Plaintiff in the above-captioned civil action and verifies that the statements of fact made in the foregoing Complaint are true and correct upon her personal knowledge or to the best of her information and belief. She understands that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 10/2/17

By: 
Janet Scharf

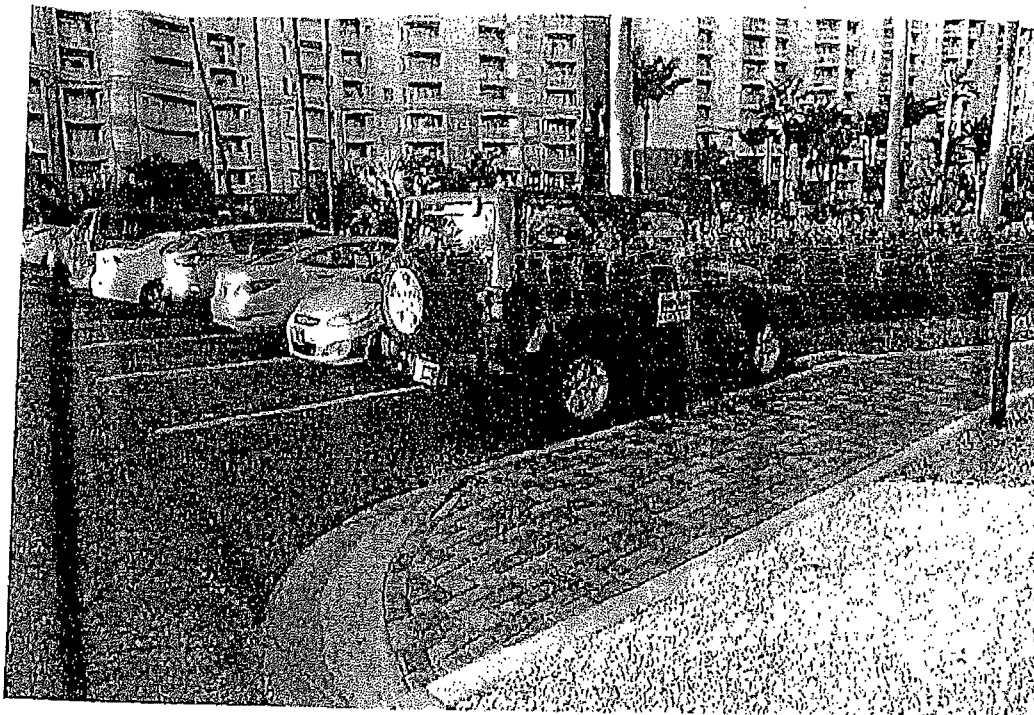


EXHIBIT "B"

VILLARI, BRANDES & GIANNONE, P.C.

Peter M. Villari, Esquire

Eric M. Frost, Esquire

Brian A. Rice, Esquire

Attorney I.D. No. 26875;208785 & 322654

Eight Tower Bridge

161 Washington Street, Suite 400

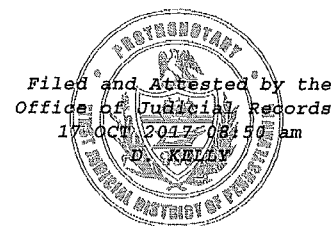
Conshohocken, PA 19428

610-729-2900

efrost@villarilaw.com

brice@villarilaw.com

ATTORNEYS FOR PLAINTIFFS



IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PA
CIVIL ACTION – PREMISES LIABILITY ACTION

JANET SCHARF and
JONATHAN SCHARF

Plaintiffs,

-vs-

MARRIOTT VACATIONS WORLDWIDE
CORPORATION D/B/A MARRIOTT
VACATION CLUB

and

MARRIOTT INTERNATIONAL, INC.
Defendants.

CIVIL ACTION - LAW

OCTOBER TERM, 2017

CASE NO.: 000796

AFFIDAVIT OF SERVICE

I, Brian A. Rice, Esquire, do hereby certify that that a true and correct copy of *Plaintiff's Complaint* was served via United States Postal Service certified mail and first-class mail, postage prepaid, on the 16th day of October, 2017, upon the following:


Marriott Vacations Worldwide Corporation
d/b/a Marriott Vacation Club
6649 Westwood Blvd.
Orlando, FL 32821
Defendant

A copy of the signed green card is attached hereto as Exhibit "A."

VILLARI, BRANDES & GIANNONE, P.C.

DATED: October 17, 2017

BY:



Brian A. Rice, Esquire
Attorney for Plaintiff

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Marriott Vacations Worldwide Corp. dba Marriott Vacation Club 6649 Westwood Blvd. Orlando, FL 32821</p> <p>9590 9402 2185 6193 5307 77</p> <p>2. Article Number (Transfer from service label)</p> <p>7014 2870 0002 0931 3540</p>		<p>A. Signature</p> <p><i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p><i>[Signature]</i></p> <p>C. Date of Delivery</p> <p>OCT 18 2017</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt



Case ID: 171000796

VILLARI, BRANDES & GIANNONE, P.C.

Peter M. Villari, Esquire

Eric M. Frost, Esquire

Brian A. Rice, Esquire

Attorney I.D. No. 26875;208785 & 322654

Eight Tower Bridge

161 Washington Street, Suite 400

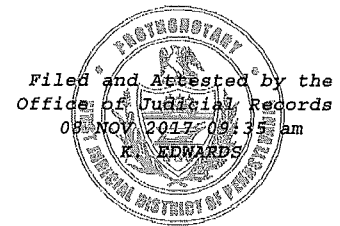
Conshohocken, PA 19428

610-729-2900

efrost@villarilaw.com

brice@villarilaw.com

ATTORNEYS FOR PLAINTIFFS



IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PA
CIVIL ACTION – PREMISES LIABILITY ACTION

JANET SCHARF and
JONATHAN SCHARF

Plaintiffs,

-vs-

MARRIOTT VACATIONS WORLDWIDE
CORPORATION D/B/A MARRIOTT
VACATION CLUB

and

MARRIOTT INTERNATIONAL, INC.
Defendants.

CIVIL ACTION - LAW

OCTOBER TERM, 2017

CASE NO.: 000796

AFFIDAVIT OF SERVICE

I, Eric M. Frost, Esquire, do hereby certify that that a true and correct copy of *Plaintiff's Complaint* was served via United States Postal Service certified mail and first-class mail, postage prepaid, on the 9th day of October, 2017 upon the following defendant:


Marriott International, Inc.
Dept. 52/862
10400 Fernwood Road
Bethesda, MD 20817
Defendant

As of this date, neither the regular mail nor the certified mail was returned to our office. Upon tracking the certified mail number, the United States Postal Service website showed the item was refused. See printout attached hereto as Exhibit "B." Therefore, pursuant to Rule 403 and 404 of the Pennsylvania Rules of Civil Procedure, the Complaint is considered served.

VILLARI, BRANDES & GIANNONE, P.C.

DATED: November 8, 2017

BY:

A handwritten signature in black ink, appearing to be "E. Frost", written over a horizontal line.

Eric M. Frost, Esquire
Attorney for Plaintiff



Eric M. Frost, Esquire
Member of the PA and NJ Bars
Email: efrost@villarilaw.com

October 9, 2017

VIA CM NO. 7014 2870 0002 0931 3540
AND REGULAR MAIL

Marriott Vacations Worldwide Corporation
d/b/a Marriott Vacation Club
6649 Westwood Blvd.
Orlando, FL 32821

VIA CM NO. 7014 2870 0002 0931 3557
AND REGULAR MAIL

Marriott International, Inc.
Dept. 52/862
10400 Fernwood Road
Bethesda, MD 20817

Re: Janet and Jonathan Scharf v. Marriott Vacations Worldwide Corporation, et al.
Docket No. 000796, October Term, 2017; Philadelphia County CCP
Our File No. 222695

Dear Sir/Madam:

Enclosed please find a time-stamped copy of Plaintiff's Complaint, which was filed on October 6, 2017 in connection with the above referenced case.

Please be guided accordingly.

Very truly yours,

Eric M. Frost, Esquire

EMF/jab

Enclosure



10/23/2017

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USPS Tracking® ResultsFAQs > (<http://faq.usps.com/?articleId=220900>)**Track Another Package +**

Remove X

Tracking Number: 70142870000209313557**Alert**

Your item was refused by the addressee at 10:42 am on October 20, 2017 in BETHESDA, MD 20817 and is being returned to the sender.

Product & Tracking Information**See Available Actions****Postal Product:****Features:**
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
October 20, 2017, 10:42 am	Refused	BETHESDA, MD 20817
Your item was refused by the addressee at 10:42 am on October 20, 2017 in BETHESDA, MD 20817 and is being returned to the sender.		
October 18, 2017, 9:40 am	Return to Sender	BETHESDA, MD 20817
October 18, 2017, 9:38 am	Refused	BETHESDA, MD 20817
October 17, 2017, 1:24 pm	Refused	BETHESDA, MD 20817

See More ▼**Available Actions**

Text & Email Updates

**See Less** ^**Can't find what you're looking for?**

Go to our FAQs section to find answers to your tracking questions.

FAQs (<http://faq.usps.com/?articleId=220900>)

Case ID: 171000796

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* NOTE: Black and white (grayscale) images show the outside, front of letter-sized envelopes and mailpieces that are processed through USPS automated equipment.

(<https://www.usps.com/>)

HELPFUL LINKS

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FAQs (<http://faq.usps.com/>)

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Newsroom
(<http://about.usps.com/news/welcome.htm>)
USPS Service Updates
(<http://about.usps.com/news/service-alerts/welcome.htm>)
Forms & Publications
(<http://about.usps.com/forms-publications/welcome.htm>)
Government Services
(<https://www.usps.com/gov-services/gov-services.htm>)
Careers
(<http://about.usps.com/careers/welcome.htm>)

OTHER USPS SITES

Business Customer Gateway
(<https://gateway.usps.com/>)
Postal Inspectors
(<https://postalinspectors.usps.gov/>)
Inspector General (<http://www.uspsig.gov/>)
Postal Explorer (<http://pe.usps.gov/>)
National Postal Museum
(<http://www.postalmuseum.si.edu/>)
Resources for Developers
(<https://www.usps.com/webtools/welcome.htm>)

LEGAL INFORMATION

Privacy Policy (<http://about.usps.com/who-we-are/privacy-policy/privacy-policy-highlights.htm>)
Terms of Use
(<http://about.usps.com/termsfuse.htm>)
FOIA (<http://about.usps.com/who-we-are/foia/welcome.htm>)
No FEAR Act EEO Data
(<http://about.usps.com/who-we-are/no-fear-act/welcome.htm>)

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Case ID: 171000796

10/23/2017

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(<https://twitter.com/usps>)



(<http://www.pinterest.com/uspsstamps/>)



(<https://www.youtube.com/usps>)

Case ID: 171000796



The Philadelphia Courts

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A \$5 Convenience fee will be added to the transaction at checkout.

Case Description


Case ID: 171000796
Case Caption: SCHARF ETAL VS MARRIOTT VACATIONS WORLDWIDE CORPOR
Filing Date: Friday , October 06th, 2017
Court: MAJOR JURY-EXPEDITED
Location: City Hall
Jury: JURY
Case Type: PREMISES LIABILITY, SLIP/FALL
Status: WAITING TO LIST CASE MGMT CONF





Related Cases*No related cases were found.***Case Event Schedule***No case events were found.***Case motions***No case motions were found.***Case Parties**

Seq #	Assoc	Expn Date	Type	Name
1			ATTORNEY FOR PLAINTIFF	FROST, ERIC M
Address:	VILLARI, BRANDES & GIANNONE PC 161 WASHINGTON STREET SUITE 400 CONSHOHOCKEN PA 19428 (610)729-2900	Aliases:	none	
2	1		PLAINTIFF	SCHARF, JANET
Address:	86 ST ANDREWS RD GLENMOORE PA 19343	Aliases:	none	
3	1		PLAINTIFF	SCHARF, JONATHAN
Address:	86 ST ANDREWS RD GLENMOORE PA 19343	Aliases:	none	

4			DEFENDANT	MARRIOTT VACATIONS WORLDWIDE CORPORATION
Address:	6649 WESTWOOD BLVD ORLANDO FL 32821	Aliases:	MARRIOTT VACATION CLUB DBA	
5			DEFENDANT	MARRIOTT INTERNATIONAL INC
Address:	DEPARTMENT 52/862 10400 FERNWOOD RD BETHESDA MD 20817	Aliases:	none	
6			TEAM LEADER	NEW, ARNOLD L
Address:	606 CITY HALL PHILADELPHIA PA 19107 (215)686-7260	Aliases:	none	
7	1		ATTORNEY FOR PLAINTIFF	RICE, BRIAN A
Address:	VILLARI BRANDES AND GIANNONE P 161 WASHINGTON STREET 8 TOWER RIDGE SUITE 400 WEST CONSHOHOCKEN PA 19428 (610)729-2900	Aliases:	none	

Docket Entries

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/Entry Date
06-OCT-2017 02:02 PM	ACTIVE CASE			06-OCT-2017 03:02 PM
Docket Entry:	E-Filing Number: 1710015859			
06-OCT-2017 02:02 PM	COMMENCEMENT CIVIL ACTION JURY	FROST, ERIC M		06-OCT-2017 03:02 PM
Documents:	Click link(s) to preview/purchase the documents Final Cover <div>  Click HERE to purchase all documents related to this one docket entry </div>			
Docket Entry:	none.			
06-OCT-2017 02:02 PM	COMPLAINT FILED NOTICE GIVEN	FROST, ERIC M		06-OCT-2017 03:02 PM

Documents:	Click link(s) to preview/purchase the documents Complaint.pdf			 Click HERE to purchase all documents related to this one docket entry
Docket Entry:	COMPLAINT WITH NOTICE TO DEFEND WITHIN TWENTY (20) DAYS AFTER SERVICE IN ACCORDANCE WITH RULE 1018.1 FILED.			
06-OCT-2017 02:02 PM	SHERIFF'S SURCHARGE 2 DEFTS	FROST, ERIC M		06-OCT-2017 03:02 PM
Docket Entry:	none.			
06-OCT-2017 02:02 PM	JURY TRIAL PERFECTED	FROST, ERIC M		06-OCT-2017 03:02 PM
Docket Entry:	12 JURORS REQUESTED.			
06-OCT-2017 02:02 PM	WAITING TO LIST CASE MGMT CONF	FROST, ERIC M		06-OCT-2017 03:02 PM
Docket Entry:	none.			
17-OCT-2017 08:50 AM	AFFIDAVIT OF SERVICE FILED	RICE, BRIAN A		17-OCT-2017 04:04 PM
Documents:	Click link(s) to preview/purchase the documents Aff of Svc of Complaint via CM on Marriott Vacations.pdf			 Click HERE to purchase all documents related to this one docket entry
Docket Entry:	AFFIDAVIT OF SERVICE OF PLAINTIFF'S COMPLAINT UPON MARRIOTT VACATIONS WORLDWIDE CORPORATION AND MARRIOTT INTERNATIONAL INC BY CERTIFIED MAIL ON 10/16/2017 FILED. (FILED ON BEHALF OF JONATHAN SCHARF AND JANET SCHARF)			
24-OCT-2017 09:18 AM	PRAECIPE TO REINSTATE CMPLT	RICE, BRIAN A		25-OCT-2017 09:43 AM
Documents:	Click link(s) to preview/purchase the documents Praecipe to Re-Instate Complaint.pdf			 Click HERE to purchase all documents related to this one docket entry
Docket Entry:	COMPLAINT WITH NOTICE TO DEFEND WITHIN TWENTY (20) DAYS AFTER SERVICE IN ACCORDANCE WITH RULE 1018.1 REINSTATED. (FILED ON BEHALF OF JONATHAN SCHARF AND JANET SCHARF)			
08-NOV-2017 09:35 AM	AFFIDAVIT OF SERVICE FILED	FROST, ERIC M		08-NOV-2017 01:34 PM
Documents:	Click link(s) to preview/purchase the documents Aff of Svc of Complaint on Marriott International.pdf			 Click HERE to purchase all documents related to this one docket entry
Docket	AFFIDAVIT OF SERVICE OF PLAINTIFF'S COMPLAINT UPON MARRIOTT VACATIONS WORLDWIDE CORPORATION AND MARRIOTT INTERNATIONAL INC BY CERTIFIED			

Entry: MAIL, FIRST CLASS REGULAR MAIL ON 10/09/2017 FILED. (FILED ON BEHALF OF JONATHAN SCHARF AND JANET SCHARF)

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